

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** Chairman John Esp, on February 11, 2009 at  
3:00 P.M., in Room 405 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. John Esp, Chairman (R)  
Sen. Jeff Essmann, Vice Chairman (R)  
Sen. Gregory D. Barkus (R)  
Sen. Ron Erickson (D)  
Sen. Steven Gallus (D)  
Sen. Bruce Tutvedt (R)

**Members Excused:** Sen. Kim Gillan (D)  
Sen. Verdell Jackson (R)  
Sen. Jesse Laslovich (D)

**Members Absent:** None.

**Staff Present:** Leanne Heisel, Legislative Branch  
Debra Polhemus, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 345, 2/3/2009; SB 352, 2/6/2009

Executive Action: None

**HEARING ON SB 352**

**Opening Statement by Sponsor:**

00:01:04 Sen. John Brueggeman (R), SD 6, opened the hearing on SB 352, Allow city or town authority to impose levy to fund firefighters' retirement.

**Proponents' Testimony:**

00:02:27 James Raymond, City Attorney of Polson and Ronan  
00:06:37 John Fairchild, Chief, Polson Fire Department

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:08:21 Sen. Essmann  
00:08:56 James Raymond  
00:10:12 Sen. Tutvedt  
00:10:53 John Fairchild  
00:12:11 Sen. Barkus  
00:12:35 James Raymond  
00:13:56 Sen. Barkus  
00:14:27 James Raymond  
00:17:48 Chairman Esp  
00:19:04 Sen. Brueggeman  
00:21:01 Sen. Barkus  
00:21:52 Sen. Brueggeman  
00:22:59 Sen. Erickson  
00:24:05 Sen. Brueggeman  
00:24:37 James Raymond

**Closing by Sponsor:**

00:25:33 Sen. Brueggeman

**HEARING ON SB 345**

**Opening Statement by Sponsor:**

00:27:41 Sen. Bruce Tutvedt (R), SD 3, opened the hearing on SB 345, Revise zoning procedures for due process.

**Proponents' Testimony:**

00:29:32 Glenn Oppel, representing Montana Association of Realtors (MAR)

**EXHIBIT(los32a01)**

00:37:40 Bill Gallagher, Land Use Attorney, Gallagher and Associates, PLLC, and also speaking for Common Sense

**EXHIBIT(los32a02)**

00:38:29 Sen. Jackson arrived at hearing.

00:43:06 Former U.S. Representative Rick Hill, representing Montana Building Industry Association (MBIA)

00:44:15 Ken Allen, real estate developer and broker, Missoula

00:45:56 Daniel Cox, Ravalli County resident

00:49:17 Gary Zebrowski

00:50:02 Susanna Pyron, Ravalli County resident

00:51:03 Gene Williams, Ravalli County resident

00:52:47 Liane Taylor, representing Helena Association of Realtors

**EXHIBIT(los32a03)**

00:53:33 Michael Fasbender, Lewis & Clark County resident

**EXHIBIT(los32a04)**

**Opponents' Testimony:**

00:55:57 Jean Curtiss, Missoula County Commissioner

00:57:13 Sens. Gillan and Laslovich arrived at hearing.

01:04:36 Kathleen Driscoll, Ravalli County Commissioner

01:07:14 Myra L. Shults, Consultant Land Use Attorney

**EXHIBIT(los32a05)**

01:18:38 Jeff Sealey, Deputy County Attorney, representing Lewis & Clark County

**EXHIBIT(los32a06)**

01:20:50 Richard Thweatt, representing Montana Smart Growth Coalition

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:23:43 Chairman Esp  
01:24:12 Sen. Tutvedt  
01:24:25 Bill Gallagher, Gallagher and Associates  
01:25:43 Chairman Esp  
01:26:19 Myra L. Shults  
01:27:11 Chairman Esp  
01:27:49 Glenn Oppel, MAR  
01:28:17 Chairman Esp  
01:28:35 Glenn Oppel  
01:29:45 Sen. Erickson  
01:31:08 Myra L. Shults  
01:34:22 Sen. Essmann  
01:34:46 Myra L. Shults  
01:36:29 Sen. Essmann  
01:37:10 Myra L. Shults  
01:38:31 Chairman Esp  
01:38:59 Ken Allen  
01:40:31 Chairman Esp  
01:40:56 Rick Hill, MBIA  
01:42:43 Sen. Gillan  
01:43:32 Myra Shults

**Closing by Sponsor:**

01:45:19 Sen. Tutvedt

**Committee Business:**

01:49:07 Chairman Esp

**ADJOURNMENT**

Adjournment: 5:00 P.M.

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Debra Polhemus, Secretary

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Additional Documents:

**EXHIBIT ([los32aad.pdf](#))**